

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

SABRINA BRIONY DUNCAN,)
)
 Plaintiff,)
)
 v.)
)
 JACK HENRY & ASSOCIATES, INC.;)
 THE JACK HENRY & ASSOCIATES,)
 INC. GROUP HEALTH BENEFIT)
 PLAN; UMR, INC.; and QUANTUM)
 HEALTH, INC.,)
)
 Defendants.)

Case No. 6:21-cv-03280-RK

**AMENDED SCHEDULING AND TRIAL ORDER AND
DISCOVERY PLAN JURY TRIAL**

Pursuant to Rules 16(b) and 26(f) of the Federal Rules of Civil Procedure, and upon consideration of the parties' views in the matter, the following schedule is hereby established:

I. DISCOVERY PLAN AND SCHEDULING DEADLINES

Discovery Plan and Scheduling	Guidelines	Deadlines
Joinder of Parties	30 days before discovery deadline	August 22, 2022
Amendment of Pleadings	30 days before discovery deadline	August 22, 2022
Plaintiff Expert Designation	60 days before discovery deadline	July 21, 2022
Defendant Expert Designation	30 days after Plaintiff Expert deadline	September 19, 2022
Rebuttal Expert Designation	14 days before discovery deadline	October 3, 2022
Discovery Dispute Motions	At least 14 days before discovery deadline	October 16, 2022
Completion of Discovery (both fact and expert discovery)	180 days from this proposed order (Local Rule 26.1(c)2)	December 15, 2022
Dispositive Motions	30 days after discovery deadline	January 15, 2023

II. COURT CONFERENCES AND TRIAL DATE

Court Setting	Guidelines	Date	Time
Court Status Conference Date (via teleconference)	30 days before discovery deadline	November 16, 2022	10:30 a.m.
Initial Pretrial Conference Date	30 days before trial	May 26, 2023	11:30 a.m.
Final Pretrial Conference Date	Thursday or Friday before trial	June 23, 2023	11:30 a.m.
Trial Date	150 days from dispositive motion deadline	June 26, 2023	8:30 a.m.

III. PRETRIAL AND TRIAL FILING DEADLINES

Pretrial and Trial Documents	Deadlines
Motions in Limine	14 days prior to initial pretrial conference
Responses to Motions in Limine	7 days prior to initial pretrial conference
Deposition Designations	14 days prior to initial pretrial conference (Fed. R. Civ. P. 26(a)(3))
Objections to Deposition Designations	10 days prior to initial pretrial conference
Cross-Exam Deposition Designations	10 days prior to initial pretrial conference
Objections to Cross-Exam Deposition Designations	7 days prior to initial pretrial conference
Stipulation of Uncontested Facts	3 days prior to initial pretrial conference (Local Rule 40.1)
Stipulation of Admissibility of Evidence	3 days prior to initial pretrial conference
Witness List	3 days prior to initial pretrial conference (Fed. R. Civ. P. 26(a)(3))
Exhibit List	3 days prior to initial pretrial conference (Fed. R. Civ. P. 26(a)(3))
Jury Instructions (if jury trial)	14 days prior to trial (Local Rule 40.1 and 51.1)
Trial Briefs	5 days prior to trial (Fed. R. Civ. P. 26(a)(3))

Voir Dire (if jury trial)	5 days prior to trial (Fed. R. Civ. P. 26(a)(3))
---------------------------	---

IV. CHAMBERS' PROTOCOL

1. **COURT CONFERENCES.** (*See* Section II above). Generally, conferences in Western and St. Joseph Division cases are held at the U.S. District Courthouse in Kansas City, Missouri. Conferences in cases pending in all other divisions (Central, Southern, and Southwestern) are generally held via telephone.

2. **DISCOVERY DISPUTES.** Any discovery motion filed without complying with Local Rule 37.1 will be denied. In the event that a teleconference is needed, contact the Court at (816) 512-5110. Parties are to utilize the discovery dispute protocol on the Court's web page at www.mow.uscourts.gov/judges/ketchmark.

3. **EXPERT WITNESSES.** Expert witnesses include retained experts as well as fact witnesses from whom expert opinions will be elicited at trial.

For expert witnesses identified in Fed. R. Civ. P. 26(a)(2)(B), the designation shall include an affidavit, containing the disclosures required in Fed. R. Civ. P. 26(a)(2)(B)(i)-(vi). Expert witnesses may testify only as to matters contained in the affidavit described above unless leave of Court is granted upon good cause shown. If a treating physician will testify beyond the treatment they provided, they shall also provide an affidavit containing the disclosures required in Fed. R. Civ. P. 26(a)(2)(B)(i)-(vi).

However, if a treating physician will testify only as to treatment they provided, the requirements of this section may be satisfied by providing a copy of all the treating physician's files, records and notes relating to the treating physician's patient to the opposing party. For the purpose of this paragraph, a "treating physician" is a doctor (including psychiatrist, dentist or other practitioner of the healing arts) retained by a party prior to retaining counsel in this matter.

4. **COMPLETION OF DISCOVERY.** All discovery requests and depositions shall be submitted and/or scheduled prior to the deadline for completion of discovery, and shall allow sufficient time for completion within the time specified by the Federal Rules of Civil Procedure, the Local Rules, and/or orders of this Court.

5. **SUMMARY JUDGMENT MOTIONS.** All motions for summary judgment shall comply with Local Rules 7.0 and 56.1. The response and reply shall set forth (restate) each statement of fact, and additional statement of fact, utilizing the original paragraph number immediately before admitting or denying factual statements.

V. PARTIES' DISCOVERY PLAN

1. The parties made their Fed. R. Civ. P. 26(a)(1) disclosures on December 17, 2021.

2. The parties anticipate that the focus of discovery will be on the issues raised by the parties' pleadings. Discovery shall not proceed in phases nor be limited to certain issues. Defendants plan to move to stay discovery until the Court resolves the pending motions to dismiss. Plaintiff's position is that discovery should proceed immediately, since Defendants did not move to dismiss Count 5 of the Original Complaint.

3. The parties agree that the presumptive limits of ten (10) depositions per side pursuant to Fed. R. Civ. P. 30(a)(2)(A) and twenty-five (25) interrogatories per party pursuant to Fed. R. Civ. P. 33(a) shall apply.

4. The parties have not reached any agreements related to asserting claims of privilege or of protection as trial-preparation material after production.

5. The parties estimate a trial length of five days.

6. The parties believe a protective order is appropriate and will submit a mutually agreed upon proposed protective order to the Court.

7. If the need for the disclosure or discovery of electronically stored information arises, the parties will prepare a mutually agreeable ESI protocol consistent with the Court's Principles for the Discovery of Electronically Stored Information.

8. The parties are not aware of any other matters pertinent to the completion of discovery in this case that need to be addressed at this time.

IT IS SO ORDERED.

/s/ Roseann A. Ketchmark
ROSEANN A. KETCHMARK, JUDGE
UNITED STATES DISTRICT COURT

DATED: April 26, 2022.